

The reply filed on January 30, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In addition to the previous notice non-compliant drawing amendments sent by the clerical staff that applicant has already addressed in his March 27, 2008 response, the response of January 30, 2008 does not comply with substantive examining rule 37 CFR 1.111.

As background, in the January 30, 2008 response, applicant has merely re-named the “return” air duct to be the “primary air (e.g. fresh)” air duct and has also merely re-named the “reflux” air duct to be the “further secondary output (e.g. fresh) air path means.” In other words, the same pieces of originally controlled structure now have different names.

In a single paragraph (beginning “On the other hand.....”) found on page 19 of the January 30 response applicant only statement of why the presently amended claims are patentable over the prior art is that Ukuchi and Kurokawa disclose stale air ducts. Since applicant also discloses stale air ducts at 3 and 33, applicant’s tangential statement of fact about Ukuchi and Kurokawa disclosing stale air ducts does not comply with the requirement of 37 CFR 1.111, which requires an explanation of why the presently claimed structure in applicant’s claims defines a patentable invention.

None of the underlined portions of 37 CFR 1.111(b) and (c), reproduced below, have been complied with in applicant's January 30, 2008 response:

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which **distinctly and specifically points out the supposed errors in the examiner's action** and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the **specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references**. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. **A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.**

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner **must clearly point out the**

patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner **must also show how the amendments avoid such references** or objections.

In addition to the failure to properly discuss how the language of the amended original claims define patentable subject matter over the references, applicant's January 30, 2008 response has no explanation whatsoever of how new claim 34 defines patentable subject matter over those references as required by the rule.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Ford whose telephone number is 571-272-4911. The examiner can normally be reached on Mon.-Fri. 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John K. Ford/
Primary Examiner, Art Unit 3744